



City of Seattle

Edward B. Murray, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 3012262

Applicant Name: Matt McCleary

Addresses of Proposal: 7400 Sand Point Way NE

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development application to allow a 16 foot by 24 foot concrete pump enclosure. Pump enclosure to be located in the southeast corner of Magnuson Park. Project includes removal of trees which cover existing utility lines.*

The following approvals are required:

Shoreline Substantial Development Permit to allow development in public park in a Conservancy Management (CM) Shoreline Environment.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**Building size was revised during project review from 10 foot by 13 foot to 16 foot by 24 foot. Project also originally included development of a 90' access drive, which is no longer part of project due to relocation of proposed building from original design.*

BACKGROUND DATA

The proposed project is to upgrade the pump station at the United States Geological Survey (USGS) Western Fisheries Research Center with a 16-foot by 24-foot concrete building to enclose two new 40 horsepower centrifugal pumps. The pumps are used to pump water for ongoing fisheries research at the USGS facility in Magnuson Park as well as water for

constructed wetlands at Magnuson Park. The project includes removal of approximately 22 deciduous trees (less than 6" diameter breast height), two Cedar saplings, and one 24" dbh polar tree and planting of 1200 square feet of native vegetation along Lake Washington shoreline in Magnuson Park near facility.

Public Comments

The comment period for this project began on July 28, 2011 and ended on August 26, 2011. There were several public comments.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The project location is within Magnuson Park and within a Conservancy Management (CM) Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). The Shoreline Master Program, Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this Chapter; and
- C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

The State of Washington Shoreline policies (RCW Chapter 90.58) provide for the control of pollution and prevention of damage to the natural environment, and to protect the resources and ecology of the shoreline over the long term. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. The Shoreline Management Act of 1971 provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the State is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The City of Seattle Shoreline policies incorporate these goals by reference and include area objectives pursuant to these goals. These policies contemplate protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Best Management Practices will be implemented during construction to protect the shoreline and waters of Lake Washington and native vegetation will be planted along the shoreline as mitigation for the proposed tree removal and small increase in impervious surface area that will occur within the Shoreline District. The utility use is established at this location and is not changing as a result of this project. This proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of Section 23.60.064 SSMP require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district; and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

The proposed project does not change the established utility use located in an existing public park, which are permitted outright in the underlying zone and in the CM Shoreline Environment.

Shoreline Development Standards

The proposed project does not change the established utility use at this location in Magnuson Park and the CM Shoreline Environment.

Pursuant to the Seattle Shoreline Master Plan, the proposed action is subject to:

1. the general development standards (SSMP 23.60.152); and,
2. development standards for uses in the CM Shoreline Environment (SSMP 23.60.420).

1. SSMP 23.60.152 - General Development Standards for all Shoreline Environments

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60.152. Generally, these standards require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment. The following general development standards are relevant to the proposed project:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory

agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch-basins or settling ponds, interceptor drains and planted buffers.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

The project will be installed with Best Management Practices to ensure protection of the nearshore environment and consistency with the general shoreline development standards cited above. The project will result in removal of vegetation and an increase in impervious surface

area (approximately 72 square feet) that will be mitigated by planting of approximately 1200 square feet of native vegetation along the Lake Washington shoreline.

Use Standards in the CM Environment

Permitted uses in the Conservancy Management (CM) Shoreline Environment are contained in sections SMC 23.60.420-23.60.434. The utility use is permitted outright pursuant to SMC 23.60.420.

Development Standards in the CM Environment

The proposed project meets all applicable development standards in the CM Shoreline Environment.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments, and give the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed shoreline substantial development permit for this development in an established public park is **CONDITIONALLY GRANTED.**

Shoreline Substantial Development conditions are listed below.

CONDITIONS –SHORELINE

Prior to building permit issuance

- 1) Provide detailed landscape mitigation plan on building permit plans consistent with approved mitigation plan. Plan shall show location, size, quantity and species of proposed plants.
- 2) Provide Best Management Practices on building permit plans for construction and operation of pump station for protection of Lake Washington.

During Construction

- 3) Implement Best Management Practices plan as shown on building permit plans.

Life of the Project

- 4) All vegetation planted as part of habitat mitigation plan shall be maintained and any dead plants shall be replaced with the same or similar native species. No herbicides, pesticides or chemical fertilizers shall be used in the mitigation planting area.

Signature: (signature on file) Date: January 20, 2015
Ben Perkowski, Senior Land Use Planner
Department of Planning and Development

BP:rgc
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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.